Calendar No. 539

100TH CONGRESS
2d Session

SENATE

REPORT
100-286

FAMILY PLANNING AMENDMENTS OF 1987

FEBRUARY 18 (legislative day, FEBRUARY 15), 1987.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resources, submitted the following

REPORT

together with

MINORITY AND DISSENTING VIEWS

[To accompany S. 1366]

The Committee on Labor and Human Resources, to which was referred the bill (S. 1366) to revise and extend the programs of assistance under title X of the Public Health Service Act having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

CONTENTS

		Page
I.	Summary of bill	2
II.	Background and need for legislation	3
III.	History of the legislation	7
IV.	Text of the bill as reported	7
V.	Committee views	10
VI.	Votes in committee	15
VII.	Cost estimate	16
VIII.	Regulatory impact statement	17
IX.	Section-by-section analysis	17
X.	Minority views	21
XI.	Dissenting views	23
XII.	Changes in existing law	27

19-010

S543-2

I. Summary of the Bill

A. PROJECT GRANTS AND CONTRACTS

S. 1366 amends the existing authority of the Public Health Service Act to extend Title X through fiscal year 1991. The bill would extend the authority of the Secretary of Health and Human Services (HHS) to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects. The bill would repeal provisions in Title X statute which currently allow the Secretary, at the request of a Title X grant recipient, to reduce the amount of the grant by the value of supplies or equipment furnished by the Secretary. The bill authorizes appropriations for family planning grants and contracts at $155.5 million for fiscal year 1988, $163.0 million for fiscal year 1989, $171.0 million for fiscal year 1990, and $179.5 million for fiscal year 1991.

B. TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS

The bill authorizes the Secretary to make grants or enter into contracts for technical assistance, clinical training for personnel (including obstetricgynecologic nurse practitioners), training for educators and counselors, and training of other personnel, to carry out family planning service programs. The bill authorizes appropriations for training and technical assistance grants and contracts at $4.300 million for fiscal year 1988, $4.515 million for fiscal year 1989, $4.741 million for fiscal year 1990 and $4.978 million for fiscal year 1991.

C. FORMULA GRANTS

The bill repeals existing provisions which authorize formula grants to the States to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. These grants were authorized by P.L. 91–572, the law which established Title X, but have never been appropriated by Congress.

D. CONDUCT OF RESEARCH ACTIVITIES

The bill authorizes the Secretary to conduct and make grants and contracts for research in the biomedical, contraceptive development and evaluation, behavioral, and program implementation fields related to family planning and population and for research to improve the clinical management and direct delivery of family planning services. The Secretary would be authorized to conduct, make grants, and enter into contracts for the conduct of (1) applied research into the development of new or improved contraceptive devices, drugs, and methods; and (2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods. The bill authorizes appropriations for the grants and contracts for applied contraceptive research and development (in addition to any amounts allocated under the existing authorization for the National Institute of Child Health and Human Development) at $10 million for fiscal year 1988 and such sums as may be necessary for fiscal year 1989, fiscal year 1990, and fiscal year 1991.

E. INFORMATION AND EDUCATION

The bill authorizes the Secretary to make grants or enter into contracts for community-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. These programs would be required to place special emphasis on the provision of information and education to parents and adolescents, and would be required to include information about the availability of a broad range of acceptable and effective family planning methods and services. The Secretary would be required to conduct, or make grants and enter into contracts for, training and technical assistance to assist in carrying out the information and education programs. The Secretary would be required to make grants and enter into contracts for the development, evaluation, and dissemination of educational and informational materials consistent with the objectives of the information and education programs. The bill authorizes appropriations for information and education grants and contracts at $10 million for fiscal year 1988 and such sums as may be necessary for fiscal year 1989, fiscal year 1990, and fiscal year 1991. Not more than 10 percent of the amounts appropriated for these activities would be available for the training and technical assistance or for the development, evaluation, and dissemination of educational and informational materials.

F. DATA COLLECTION

The bill would require the Secretary to collect data annually on (1) the number of low-income and marginal-income individuals and adolescents at risk of unintended pregnancies; (2) the sources of funding available for family planning services in the United States; (3) the number, age, gender, race, and family income of individuals who receive Title X family planning clinic services; and (4) the types of services chosen by individuals receiving Title X family planning clinic services. The Secretary would required to make grants and enter into contracts for such data collection. The Secretary would be required to make these data available to the public. Each of the family planning reports currently required to be submitted annually by the Secretary to the Congress would be required to be based on that collected data.

II. Background and Need for Legislation

Title X of the Public Health Service Act provides support for family planning and population, and development and dissemination of family planning information.

The agency within the Department of HHS responsible for administering the Title X family planning program is the Office of Family Planning. The office is under the auspices of the Office of Population Affairs within the Public Health Service. The authority for reviewing, awarding, and monitoring the family planning service grants has been delegated to the Public Health Service regional offices. The grant and contract activities related to research, train-

ing, and information and education are administered directly by the Office of Family Planning.

In fiscal year 1987, the Title X program spent $142.5 million for family planning and related activities. Most Title X dollars support projects grants for services in family planning clinics. In fiscal year 1987, $136.9 million funded 89 grantees who provided services at approximately 3,900 clinic sites. In 32 States or territories, the grantees were State or territorial health departments. In 12 other States, the State agency was one of several grantees. No specific State matching requirements exist for these grants; however, regulations specify that no family planning clinic project grant may be fully supported by Title X funds.

Participating clinics are required to offer a broad range of acceptable and effective family planning methods and services to all persons desiring such services. These services include natural family planning methods, non-directive counseling services, physical examinations (including cancer detection and laboratory tests), infertility services, services for adolescents, pregnancy tests, contraceptive supplies, periodic follow-up examinations, referral to and from other social and medical service agencies, and ancillary services. Clinics are required to encourage, to the extent practicable, family participation.

The Title X statute prohibits the use of family planning funds in programs where abortion is a method of family planning. The acceptance of all family planning services must be voluntary and must not be a prerequisite for the receipt of any other services (e.g., the Aid to Families with Dependent Children (AFCD) program may not require an individual to use family planning services in order to receive its benefits).

Title X law requires that priority for the provision of clinic services be given to clients from low-income families. Clinics must provide services free or charge (except to the extent that Medicaid or other health insurers cover these services) to clients whose incomes do not exceed 100 percent of the poverty level ($8,737 for a family of three in 1986). A sliding payment scale must be offered for those whose incomes are between 100 and 250 percent of the poverty level.

The Office of Family Planning estimates that Title X family planning clinics served 4.3 million individuals in fiscal year 1987. Of these, it is estimated that over 85 percent were low-income women and approximately one-third were adolescents.

Title X provides funding for training nurse practitioners and other clinic personnel to carry out family planning services. General training activities consist of one grant for each of the Nation's 10 regions on such topics as family involvement, program management, clinic management, counseling and client education, infertility, and natural family planning. A specific program, composed of five additional grants, exists to train nurse practitioners.

Title X authorizes research activities in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. The Office of Family Planning awards grants and contracts for research to help family planning providers deliver their services more effectively and efficiently. The National Institute of Child Health and Human

Development, one of the National Institutes of Health, is also authorized to award grants and contracts for Title X research. Such research includes biomedical research on the problems of human fertility and infertility, development of safe and effective methods for fertility regulation, evaluation of the benefits and risks of current contraceptive methods, and demographic and behavioral science research on the causes and consequences of population structure and change.

Title X provides funds to public or private organizations for the development and dissemination of family planning and population growth information and educational materials. Activities include the operation of the National Clearinghouse for Family Planning Information, and the development of materials to help parents communicate with their children and assist in making responsible choices concerning sexuality, pregnancy, and parenthood.

The Family Planning Services and Population Research Act of 1970 (P.L. 91-572) established Title X of the Public Health Service Act. P.L. 91-572 authorized, through 1973, Title X funding for project grants and contracts for family planning services (section 1001), training (section 1003), research (section 1004), and informational end educational materials (section 1005). Formula grants to States for family planning services were also authorized (section 1002), but funds for these grants were never appropriated by Congress.

P.L. 91-572 required Title X projects to give priority to furnishing family planning services to persons from low-income families. The Act included a requirement which prohibited projects from charging such recipients for services, except to the extent that the charges would be paid by a third-party insurer (section 1006). Another section provided that the acceptance of any Title X service must be voluntary and must not be a prerequisite for the receipt of any other service (section 1007). The Act prohibited the use of Title X funds in programs where abortion is a method of family planning (section 1008).

In addition to establishing Title X, P.L. 91-572 also created the Office of Population Affairs to coordinate the Department of Health, Education, and Welfare's population research and family planning activities.

The Health Programs Extension Act of 1973 (P.L. 93-45) extended the Title X program through fiscal year 1974.

The Family Planning and Population Research Act of 1975 (title II of P.L. 94-63) extended the Title X program through fiscal year 1977. P.L. 94-63 also specified that Title X research funds—rather than other Public Health Service Act funds—were to be an important source of funds used for Federal research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. The Act required family planning projects to offer "a broad range of acceptable and effective family planning methods (including natural family planning methods)." P.L. 94-63 assured the right of "local and regional entities" to apply for direct grants and contracts for family planning services. The Act amended the definition of "low-income family." P.L. 94-63 added penalties for government or

project personnel who attempt to coerce any person to undergo an abortion or sterilization procedure.

The Health Services Extension Act of 1977 (title III of P.L. 95-83) extended the Title X authorization through fiscal year 1978. P.L. 95-83 also specified that the limitations that P.L. 94-63 placed on the source of funds for family planning and population research also applied to the research's administrative costs.

P.L. 95-613 extended the Title X authority through fiscal year 1981 and added a number of new requirements. Family planning projects were previously required, by P.L. 94-63, to include natural family planning methods among their offered methods. P.L. 95-613 further required the offered family planning methods and services to include infertility services and services for adolescents. The legislation also required informational or educational materials developed or made available under Title X to be suitable for purposes of Title X and for the population or community to which they are to be made available, taking into account the educational and cultural background of the audience and the standards of the population or community.

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) extended the Title X program through fiscal year 1984. P.L. 97-35 also required family planning projects to encourage, to the extent practicable, family participation in these projects. The Act eliminated specific Title X spending authorization levels for family planning and population research, but left intact the Secretary's authority to conduct and to make grants and contracts for such research.

P.L. 98-512 extended the authority for the Title X program through fiscal year 1985.

A series of continuing resolutions extended funding for Title X programs through fiscal year 1986 without making substantive changes to Title X. P.L. 99-103 continued funding through November 14, 1985; P.L. 99-154 continued funding through December 12, 1985; P.L. 99-179 continued funding through December 17, 1985; P.L. 99-184 continued funding through December 18, 1985; and P.L. 99-190 continued funding through the remainder of fiscal year 1986.

P.L. 99-591, a continuing resolution, extended funding for the Title X program through the end of the fiscal year 1987.

Continuing resolutions have also funded Title X throughout fiscal year 1988. P.L. 100-120 (signed into law September 30, 1987) funded Title X from October 1, 1987 through November 10, 1987. P.L. 100-162 (signed November 10, 1987) extended funding through December 16, 1987. P.L. 100-193 (signed December 16, 1987) extended funding through December 18, 1987. P.L. 100-197 (signed December 20, 1987) extended funding through December 21, 1987. P.L. 100-102 (signed December 22, 1987) extends funding through the remainder of fiscal year 1988.

Current law provides for the funding of Title X of the Public Health Service Act through fiscal year 1988.

TITLE X OF THE PUBLIC HEALTH SERVICE ACT AUTHORIZATIONS AND APPROPRIATIONS

[In millions of dollars]

Fiscal year	Authorization	Appropriations
1971	30.0	6.0
1972	60.0	61.8
1973	111.5	100.6
1974	111.5	100.6
1975	111.5	100.6
1976	115.0	100.6
1977	115.0	100.6
1978	136.4	135.0
1979	200.0	135.0
1980	230.0	162.0
1981	264.5	161.0
1982	126.5	124.2
1984	150.0	140.0
1985	158.4	142.5
1986	[1] N/A	[2] 136.4
1987	[1] N/A	142.5
1988	[1] N/A	[3] 139.6

[1] Authorizing legislation expired September 30, 1985. Program funded by continuing resolutions in fiscal years 1986 and 1987.
[2] Funding reduced from $142.5 million in compliance with the Balanced Budget and Emergency Deficit Control Act of 1985 (also known as the Gramm-Rudman-Hollings Act) by $6.1 million.
[3] For the first time this year, this figure represents not only actual services ($136.4) but also program support including staff and operating costs ($3.2).

Source: Office of Family Planning.

III. History of the Legislation

S. 1366, a bill to revise and extend the programs of assistance under Title X of the Public Health Service, Act, was introduced by Senator Kennedy on June 16, 1987, and was referred to the Senate Committee on Labor and Human Resources. Hearings on the bill were held on July 30, 1987. The bill was ordered to be reported favorably, with amendments, on November 12, 1987.

IV. Text of the Bill as Reported

A BILL To revise and extend the programs of assistance under title X of the Public Health Service Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Planning Amendments of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) comprehensive voluntary family planning services still are not readily available to all individuals in the United States desiring such services;

(2) new and improved contraceptive devices, drugs, and methods are needed in order to ensure optimum safety and choice for each individual desiring to use such devices, drugs, and methods;

(3) the high incidence of teenage pregnancies and sexually transmitted diseases has made it essential that the public receive informaion to prevent such pregnancies and diseases, as

recommended by the Surgeon General of the United States; and

(4) sound medical practices require that all individuals be fully informed of their options in making decisions about their health care, and such practices should be promoted in the Nation's family planning program.

REFERENCE

SEC. 3. Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PROJECT GRANTS AND CONTRACTS

SEC. 4. Section 1001 is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $155,500,000 for fiscal year 1988, $163,000,000 for fiscal year 1989, $171,000,000 for fiscal year 1990, and $179,500,000 for fiscal year 1991.".

TRAINING AND TECHNICAL ASSISTANCE GRANTS AND CONTRACTS

SEC. 5. Section 1003 is amended to read as follows:

"TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary may make grants to public or nonprofit private entities and may enter into contracts with public or private entities and individuals to provide technical assistance, clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training of other personnel, to carry out the family planning service programs described in section 1001 and the information and education programs described in section 1005.

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $4,300,000 for fiscal year 1988, $4,515,000 for fiscal year 1989, $4,741,000 for fiscal year 1990, and $4,978,000 for fiscal year 1991.".

FORMULA GRANTS

SEC. 6. (a) Section 1002 is repealed.

(b) Section 1006(c) is amended by striking out "or 1002".

CONDUCT OF RESEARCH ACTIVITIES

SEC. 7. Section 1004 is amended—

(1) by inserting "and evaluation" after "development";

(2) by inserting before the period the following: "and research to improve the clinical management and direct delivery of family planning services";

(3) by inserting "(a)" before "The"; and

(4) by adding at the end thereof the following new subsection:

"(b) To enhance the ongoing work of the National Institutes of Health under section 301 and under subsection (a) in applied contraceptive research and evaluation, and specifically to promote the development, [marketing, and evaluation] *evaluation, and bringing to the marketplace,* of new and improved contraceptive devices, drugs, and methods, the Secretary may conduct, and make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of—

"(1) applied research into the development of new or improved contraceptive devices, drugs, and method; and

"(2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods.

"(c) For the purpose of making grants and entering into contracts under subsection (b), there are authorized to be appropriated $10,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991. Amounts appropriated under this subsection shall be in addition to amounts allocated under section 301(a)[(2)] for the National Institute of Child Health and Human Development.".

INFORMATION AND EDUCATION

SEC. 8. Section 1005 is amended to read as follows:

"COMMUNITY-BASED INFORMATIONAL AND EDUCATIONAL PROGRAMS

"SEC. 1005. (a) The Secretary may make grants to or enter into contracts with public and nonprofit private entities to establish community-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. Programs supported under this section shall place special emphasis on the provision of information and education to parents and adolescents, and shall include information about the availablity of a broad range of acceptable and effective family planning methods and services.

"(b) The Secretary shall—

"(1) conduct, or make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of, training and technical assistance activities to assist in carrying out subsection (a); and

"(2) make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the development, evaluation, and dissemination of educational and informational materials that are consistent with the objectives specified in subsection (a) for information and education programs.

"(c) For grants and contracts under this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991. Not more than 10 percent of the amounts appropriated under this preceding sentence for a fiscal year shall be available to carry out subsection (b).".

[VOLUNTARY PARTICIPATION

[Sec. 9. Section 1007 is amended to read as follows:]

DATA COLLECTION

SEC. [10.] *9.* (a) Title X is amended by adding at the end thereof the following new section:

"DATA COLLECTION

"SEC. 1010. (a) The Secretary shall collect on an annual basis data concerning—

"(1) the number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancies;

"(2) the sources of funding available for family planning services in the United States;

"(3) the number of individuals who receive family planning services from entities that receive grants and contracts under section 1001 and the age, gender, race, and family income of such individuals; and

"(4) the type of family planning services chosen by individuals who receive services from entities which receive grants and contracts under section 1001.

"(b) The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the collection of data under this section. The Secretary shall make available to the public data and information collected under this section.".

(b) Section 1009 is amended by adding at the end thereof the following new subsection:

"(d) Each plan prepared under this section shall be based upon data collected under section 1010.".

EFFECTIVE DATE

SEC. [11.] *10.* The amendments made by this Act shall take effect on [October 1, 1987] *the date of enactment of this Act.*

V. COMMITTEE VIEWS

SERVICES

This legislation extends and revises the authorization of federal funding for Title X of the Public Health Service Act. For family planning services, S. 1366 authorizes $155,500,000 for fiscal year 1988, $163,000,000 for fiscal year 1989, $171,000,000 for fiscal year 1990, and $179,500,000 for fiscal year 1991. Additional authorizations are provided for training and technical assistance activities, and for two new initiatives in contraceptive research and information and education.

The Committee finds that comprehensive voluntary family planning services still are not readily available to all individuals in the United States desiring such services. As a result of budget cuts, current Title X funding levels are nearly 15 percent below the 1981 appropriations level without factoring in inflation. The Committee

believes the modest funding increases provided in S. 1366 strike the appropriate balance between fiscal constraint and the need to restore funds for these important health services.

The Committee recognizes the important link between family planning and other health priorities facing Congress, specifically, infant mortality, teen pregnancy, and AIDS. With respect to infant mortality, the Institute of Medicine in its 1985 report, *Preventing Low Birth Weight,* concluded that "family planning services should be an integral part of overall strategies to reduce the incidence of low birth weight in infants." In testimony before this Committee, representatives from both the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists emphasized the critical link between comprehensive family planning services and efforts to reduce the rate of infant mortality in the United States.

In 1987, the National Academy of Sciences concluded in an important report on teen pregnancy that "the major strategy for reducing early unintended pregnancy must be the encouragement of diligent contraceptive use by all sexually active teenagers." The panel further recommended "continued public support for contraceptive services to adolescents, such as has been supplied primarily through Title X, Medicaid, and other federal and state maternal and child health programs. Such programs should minimize potential barriers of cost, convenience, and confidentiality." Although the panel did cite other strategies for reducing unintended pregnancy, it noted that little scientific evidence is available on these strategies.

The Committee agrees with the findings of the Academy and reaffirms the importance of confidential services to adolescents under the title X program. In 1981, Congress amended Title X to require that "to the extent practicable, entities which receive grants and contracts . . . shall encourage family participation." The Committee urges family planning clinics to continue long-standing efforts to encourage voluntary parent-child communication. At the same time, the Committee recognizes that any attempt to mandate such communication through parental notification or consent requirements or by basing fees for services on family income (rather than the adolescent's own income) undermines an important goal of the family planning program—to reach sexually active teenagers with contraceptive services and information.

The Committee recognizes that Title X family planning clinics are in a unique position to provide AIDS information and prevention services to clients, including women of childbearing age and sexually active adolescents. The Committee also commends family planning providers for reaching out to individuals at risk of HIV infection with information and counseling services, and encourages such providers to work cooperatively with other community agencies to find innovative ways of providing these services. At the same time, the Committee recognizes that present levels of Title X funding are inadequate to meet the current need for family planning services, and encourages providers wherever possible to seek funding for AIDS information and prevention activities from other appropriate funding sources.

In addition, the Committee recognizes the importance of preserving a multiplicity of providers of family planning services, and directs the Secretary to make each grant decision on the basis of the types of services needed within a given region and not simply on the basis of administrative convenience. To that end, the Committee has amended current law to strike the provision permitting formula grants to states, an administrative system never utilized in the 17 year history of the program.

Finally, the Committee has amended current law to strike a never used and unworkable provision that would permit the Department to substitute supplies of equipment for monetary grants.

TRAINING

The Committee continues to support training and technical assistance for the providers of family planning services. The Committee has amended current law to emphasize its support for the continuation of clinical training of obstetric-gynecological nurse practitioners. The Committee recognizes the increasing role of ob-gyn nurse practitioners in the cost-effective delivery of family planning services, and believes that the training of these nurse practitioners through programs based in Title X agencies enhances family planning service delivery.

The Committee has also made specific reference to the eligibility of family planning counselors and educators for participation in training programs. The Committee supports the continued use of training grant funds for these professionals who play an important role in informing individuals about the family planning services and options that are available.

RESEARCH

The Committee supports continuation of basic authority for biomedical family planning research, population research and development, behavorial research and program implementation related to family planning. In addition, the legislation authorizes research in improving the clinical management and direct delivery of family planning services. These projects, commonly referred to as Service Delivery Improvement (SDI) grants, have provided valuable demonstrations of improved efficiency in delivery family planning services.

CONTRACEPTIVE RESEARCH—SPECIAL INITIATIVE

The Committee finds that new and improved contraceptive devices, drugs, and methods are needed in order to ensure optimum safety and choice for each individual desiring to use such devices, drugs and methods. The Committee has established a new authority to support research in the areas of contraceptive development and evaluation. In creating this new authority, the Committee does not intend for it to be used as the exclusive authority for such research or as a replacement for funds that are appropriated for contraceptive technology research under other sections or titles of the Public Health Service Act, nor does it intend for the authority to be used as a basis for redirecting current research efforts. The pur-

pose of this section is to supplement ongoing contraceptive technology research which has not been aggressively pursued.

The Committee is aware and supportive of the population and contraceptive research efforts that are currently being conducted under the auspices of the National Institute of Child Health and Human Development (NICHD). The Committee intends that the new authority especially be directed to further the process of making ready for public use contraceptives which are well along in the development process, but which are not yet ready to be offered on the market. Thus, the Committee accepted a technical amendment to the initiative which enables NICHD to foster applied research leading to the development, evaluation and actually bringing to the marketplace new contraceptive devices, drugs and methods that will be safe, effective and acceptable to the American people.

INFORMATION AND EDUCATION

The Committee finds that the high incidence of teenage pregnancies and sexually transmitted diseases has made it essential that the public receive information to prevent such pregnancies and diseases. The Committee has expanded the existing authorization for information and education services under Title X to permit grants for public and private nonprofit organizations for community-based information and education programs to assist individuals (especially teenagers and parents) in making responsible decisions concerning human sexuality, pregnancy, and parenthood.

A recent opinion poll conducted by Louis Harris and Associates found that 85 percent of U.S. parents support the provision of sexuality education in the schools. The U.S. Surgeon General has recommended that sexuality education, including information about AIDS, begin in early elementary school.

The Committee supports increased outreach efforts to targeted individuals—particularly adolescents and their parents—to inform them of the availability of services provided under Title X. Under this new authority, grants will be made both to establish community-based information and education programs and to provide training, technical assistance, and materials to assist such programs. It is the Committee's intention, however, that 90 percent of the funds made available under this authority be used to establish information and education programs. The Committee expects that community-based organizations such as educational institutions, youth-serving agencies, and family planning clinics will be the primary providers of information and education services under this section. The decision to apply for grants under this section will rest entirely with the community-based organization.

The Committee intends that special emphasis be placed on the provision of materials and activities that will assist persons in making responsible choices concerning sexuality, pregnancy and parenthood. In order for these materials and activities to meet the purposes of Title X, the Committee believes information about a broad range of acceptable and effective family planning methods must be included. The Committee expects that such materials will meet the requirements of section 1006(d) of the Title X law by re-

flecting both the standards of the community in which they are offered, as well as the needs of the populations to which they are directed.

The Committee also expects that the Secretary will provide for technical assistance to support the development, implementation, and evaluation of information and education projects. To date, funds authorized for information and education have been used primarily to support a family planning clearinghouse within the Office of Population Affairs. The clearinghouse has proven to be of limited value in disseminating useful materials to family planning providers. The Committee urges the Office of Population Affairs to consult with the Centers for Disease Control, the Food and Drug Administration, and the Center for Population Research within the National Institutes of Health in the development and distribution of information and education materials.

PROHIBITION ON ABORTION FUNDING

Since its enactment in 1970, Title X has included a prohibition on the use of family planning funds for abortion. The Title X program has been reauthorized six times since its inception and has received one-year funding extensions under Continuing Resolutions during the past three years. All legislative attempts to apply new restrictions to Title X under section 1008 during this period have been rejected. The Committee strongly urges the Department to continue operating the Title X program in accordance with Congressional intent, with respect to section 1008 and believes that administrative attempts to reinterpret this section to expand the scope of the abortion prohibition violate the intent of Congress.

In enacting Title X, Congress intended that patients served by the Title X program be provided with non-directive counseling and all information necessary to make an informed choice between parenting, adoption, and pregnancy termination and that Title X recipients receive referrals for any medical and social services not provided by Title X, including abortion services. The Title X program regulations and guidelines in effect since from 1980 to 1987 are consistent with this intent. The Committee intends that the Title X program continue to be operated in accordance with these standards of informed consent, standards that are consistent with accepted medical practice. The Administration's attempts to change existing program regulations and guidelines, such as the promulgation of final regulations by the Department of Health and Human Services on February 2, 1988, jeopardize the health of patients, conflict with other federal health programs and with State laws, and violate the intent of Congress.

DATA COLLECTION

The Committee has added a new section to the Title X statute to require the Secretary of Health and Human Services to collect certain family planning information. In 1984, the Department assumed all Title X data collection and analysis functions within its own offices, and submitted a data collection plan and timetable to the Congress. The Department had previously gathered data through an annual contract award.

To date, the Department has not carried out its own plan or met its own deadlines. As a result, valuable family planning information has been lost. Such information is essential in evaluating the overall effectiveness of Title X, and in preparing the statutorily required reports to Congress. The Committee is concerned that the Department has ignored the statutory reporting requirements and directs the Secretary to ensure that future reports will be prepared completely, accurately, and within the deadlines established by law.

Under this new section, the Secretary is required to collect, on an annual basis, data on: (1) the number of individuals (including information on their age, sex, race, and family income) who receive Title X services; (2) the types of services chosen; (3) the number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancy; and (4) the sources of funding for subsidized U.S. family planning services. The Committee notes that these categories of information are drawn directly from the data collection plan presented by the Secretary in 1984.

The Committee also notes that in carrying out the provisions of the section, the Secretary is not limited to the collection of data specified within it. The Committee intends for this section to establish only minimum data collection requirements; under the Secretary's discretionary authority, additional information relevant to the Title X program should be collected, analyzed, and made available to the public.

Although the Committee believes that the collection and analysis of data is an important component of the family planning program, the Secretary should develop procedures that meet the requirements of this section without compromising services.

The Committee is disconcerted that the most recent data available for the Title X program are from 1983 and directs the Secretary to give immediate attention to the implementation of this section. In so doing, the Committee expects that appropriate steps will be taken so that the data are gathered and analyzed by those with expertise in the area of data collection and evaluation.

VI. Votes in Committee

S. 1366 was brought for markup at the Committee on Labor and Human Resources Committee on November 12, 1987. At that time several amendments were offered to the bill. Two amendments were passed including one technical amendment and one amendment offered by Senator Hatch that changed the effective date of the amendments made by the Act. The Committee also discussed two other amendments offered by Senator Hatch, one to delete the "Conduct of Research Activities" section and an amendment to establish a research demonstration project to study the effect of parental consent on the provision of family planning services to minors. The former amendment was defeated by a voice vote and the latter was defeated by the following vote:

FOR	OPPOSED
Hatch	Kennedy
Quayle	Pell
Thurmond	Metzenbaum

Cochran	Matsunaga
Humphrey	Dodd
	Simon
	Harkin
	Adams
	Mikulski
	Stafford
	Weicker

S. 1366, as amended, was favorably reported by a vote of 11 to 5. The recorded vote was as follows:

FOR	OPPOSED
Kennedy	Hatch
Pell	Thurmond
Metzenbaum	Cochran
Matsunaga	Humphrey
Dodd	
Simon	
Harkin	
Adams	
Mikulski	
Stafford	
Weicker	

Not present: Quayle.

VII. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, November 20, 1987.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 1366, the Family Planning Amendments of 1987, as ordered reported by the Senate Committee on Labor and Human Resources on November 12, 1987.

If you wish further details on this estimate we will be pleased to provide them.

With best wishes,

Sincerely,

James Blum
(For Edward M. Gramlich, Acting Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill numnber: S. 1366.
2. Bill title: Family Planning Amendments of 1987.
3. Bill status: As ordered by the Senate Committee on Labor and Human Resources on November 12, 1987.
4. Bill purpose: To revise and extend the programs of assistance under Title X of the Public Health Service Act.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992
Estimated authorization levels:					
Project grants	155.5	163.0	171.0	179.5	.....
Training grants	4.3	4.5	4.7	5.0	.....
Research	10.0	10.5	11.1	11.6	.....
Information and education programs	10.0	10.5	11.1	11.6	.....
Total estimated authorization level	179.8	188.5	197.9	207.7	.....
Total estimated outlays	100.7	161.3	187.2	201.9	89.8

The costs of this bill would fall within budget function 550.

Basis of Estimate.—The authorization levels for project grants and training grants are stated in the bill. Authorization levels for research and information and education programs are stated in the bill for fiscal year 1988 only. In fiscal years 1989 through 1991, the bill would authorize such sums as may be necessary. These amounts have been estimated by CBO by applying the appropriate program inflator to the 1988 level.

No authorization is stated in the bill for data collection. Since some of the data specified in the bill is already collected in some form, CBO estimates this activity would result in no significant additional cost to the federal government.

All authorized amounts are assumed to be fully appropriated at the beginning of each fiscal year. Outlays are estimated using spendout rates calculated by CBO on the basis of recent program data.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Carmela Dyer.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

VIII. Regulatory Impact Statement

The Committee has determined there will be little increase in the regulatory burden and in paperwork imposed by this bill.

IX. Section-by-Section Analysis

Section 1 provides that this Act may be cited as the Family Planning Amendments of 1987.

Section 2 specifies that Congress finds that (1) comprehensive voluntary family planning services are not readily available to all individuals in the United States desiring such services; (2) new and improved contraceptive devices, drugs, and methods are needed in order to ensure optimum safety and choice for each individual desiring to use such devices, drugs, and methods; (3) the high incidence of teenage pregnancies and sexually transmitted diseases has made it essential that the public receive information to prevent such pregnancies and diseases, as recommended by the Surgeon General of the United States; and (4) sound medical practices require that all individuals be fully informed of their options in

making decisions about their health care, and such practices should be promoted in the Nation's family planning program.

Section 3 specifies that whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

Section 4 amends section 1001 of Title X by repealing an existing provision in Title X law which authorizes the Secretary of Health and Human Services, at the request of a recipient of a grant for family planning services, to reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The existing provision requires the amount by which the grant is so reduced to be available to the Secretary in order to pay for the costs of the furnished supplies or equipment. The existing provision specifies that such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

Section 4 also amends section 1001 of Title X to provide authorization for appropriations for project grants and contracts for family planning service programs for $155,500,000 for fiscal year 1988, $163,000,000 for fiscal year 1989, $171,000,000 for fiscal year 1990, and $179,500,000 for fiscal year 1991.

Section 5 amends section 1003 of Title X to authorize the Secretary to make grants to public or nonprofit private entities and individuals to provide technical assistance, clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training of other personnel, to carry out the family planning service programs and the information and education programs.

Section 5 also amends section 1003 of Title X to provide authorization for appropriations for grants and contracts for training for $4,300,000 for fiscal year 1988, $4,515,000 for fiscal year 1989, $4,741,000 for fiscal year 1990, and $4,978,000 for fiscal year 1991.

Section 6 repeals section 1002 of Title X. The existing provisions authorize the Secretary to make grants to State health authorities to assist in planning, establishing maintaining, coordinating, and evaluating family planning services. The existing provisions prohibit making any grant to a State health authority unless such authority had submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services. The existing provisions require the Secretary to allot to the States the sums appropriated to carry out these provisions on the basis of the population and the financial need of the respective States. The existing provisions specify that the term "State" here included the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

Section 6 also makes a conforming amendment to section 1006 of Title X to delete an existing reference to the newly repealed provision.

Section 7 amends section 1004 of Title X to authorized the Secretary to enhance the ongoing work of the National Institutes of Health under section 301 of the Public Health Service Act and

under section 1004 of Title X in applied contracetpive research and evaluation, and specifically to promote the development, evaluation, and bringing to the marketplace of new and improved contraceptive devices, drugs, and methods—to conduct, and make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of (1) applied research in the development of new or improved contraceptive devices, drugs, and methods; and (2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods.

Section 7 also amends section 1004 of Title X to provide authorization for appropriations for grants and contracts for applied contraceptive research and development (in addition to amounts allocated under section 301(a) of the Public Health Service Act for the National Institute of Child Health and Human Development) for $10,000,000 fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.

Section 8 amends section 1005 of Title X to authorize the Secretary to make grants to or enter into contracts with public and nonprofit private entities to establish community-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. Programs supported under this section shall place special emphasis on the provision of information and education to parents and adolescents, and shall include information about the availability of a broad range of acceptable and effective family planning methods and services.

Section 8 also amends section 1005 of Title X to require the Secretary to conduct, or make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of, the training and technical assistance activities. The Secretary would be required to make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the development, evaluation, and dissemination of educational and informational materials that are consistent with the objectives specified for information and education programs.

Section 8 also amends section 1005 of Title X to provide authorization for appropriations for information and education for $10,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991. Not more than 10 percent of these amounts for a fiscal year are allowed to be available for training and technical assistance activities or the development, evaluation, and dissemination of educational and informational materials.

Section 9 adds a new section 1010 of Title X to require the Secretary to collect on an annual basis data concerning (1) the number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancies; (2) the sources of funding available for family planning services in the United States; (3) the number of individuals who receive family planning services from entities that receive family planning services grants and contracts and the age, gender, race, and family income of such individ-

uals; and (4) the types of family planning services chosen by individuals who receive services from entities which receive family planning services grants and contracts. The Secretary is authorized to make grants to public and nonprofit entities and enter into contracts with public and private entities and individuals for the collection of such data. The Secretary is required to make available to the public such data and information.

Section 9 also amends section 1009 of Title X to require each of the family planning reports currently required to be submitted annually by the Secretary to the Congress to based on that collected data.

Section 10 specifies that the amendments made by this Act shall take effect on the date of enactment of this Act.

X. MINORITY VIEWS OF SENATOR ORRIN G. HATCH

On November 12, 1987, the Senate Committee on Labor and Human Resources favorably reported S. 1366 with amendments. This legislation revises and extends the various authorities under Title X of the Public Health Services Act which provides funds for family planning clinics. In the past, I have supported various reauthorizations of the Title X program, but I oppose S. 1366 in its current form.

Title X provides support for various family planning activities, with a majority of the funds available to direct services for low-income women. Such services include various family planning methods and services, physical examinations including cancer detection and laboratory tests, infertility services, pregnancy tests, and other physical testing. While there is broad, bipartisan support for these activities, Title 10 also involves activities regarding services to teenagers which have been highly controversial.

Given the myriad problems surrounding efforts to reduce teenage pregnancy rates, it is obvious that we in Congress have not yet stumbled upon the solution. Unfortunately, S. 1366 ignores this reality and would have us impose one solution on the entire nation. The majority fails to acknowledge that what might seem appropriate for Washington, D.C., or Boston may not be suitable for Provo, Utah. Individual citizens, through their local elected officials, must have the right to design family planning services for adolescents in a way they believe is best and in a way that can best meet the needs of their community. Each state must be allowed some freedom to address these problems. As policy makers, we should remember the counsel of Justice Burger when he summarized years of constitutional history on the role of parents and government. He stated:

> * * * [t]he history and culture of Western Civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition. (*Wisconsin* v. *Yoder,* 406 U.S. 232 (1972).

Legislatures must weigh the statutory and regulatory rights of parents against the "severe characterization of the evil" which is intended to be corrected. (Id. at 229–230.) While governing bodies may impinge on the rights of parents, the Court has said:

> * * * The legislature could properly conclude that parents who have * * * primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility. (*Ginsberg* v. *New York,* 390 U.S. 629, 639 (1968).)

In Utah, the state legislature, with the approval of the governor, passed a law they believed would reduce teenage pregnancies. The law was designed to complement, not dissolve, the role of the parent in raising their children. Enacted in 1981, it requires parental consent if a teen is given a prescription for a contraceptive drug or device paid for with federal or state funds. In sum, the state legislature tacitly endorsed family planning programs for adolescents that require the consent of the parent. It was the belief of the legislature that since existing efforts have not reduced teen pregnancies, consideration should be given to alternative methods such as mandatory involvement of the parent.

In 1983, the 10th Circuit Court of Appeals invalidated the statute, holding that it conflicted with federal family planning laws. As a result, state family planning services sponsored through the Utah Department of Health were forced to forfeit all federal funding. Today, because of this decision, non-governmental clinics are the only legitimate grantees in Utah funded under the Title X program.

Since 1984, I have been informed by the Utah State Department of Health that some women in Utah are not able to receive necessary family planning services given the existing funding limitations. Therefore, when S. 1366 came before committee, I sought a waiver for the State of Utah, so that the State Department of Health would be able once again to receive family planning funds and administer the program in compliance with state laws in order to determine whether its approach was effective. If the Utah State Legislature is right in concluding that parental consent will reduce teenage pregnancies, why prevent success? If they are wrong, I would be the first to ask Congress to repeal the waiver.

Unfortunately, the majority rejected my request. They insisted that we ignore the issue of parental consent and continue to support existing approaches, which have proven in several instances to be ineffective. If our common goal is to reduce teen pregnancies, why not try to determine what is effective instead of blindly relying on methods proven to be inadequate?

One other problem with federal family funding programs is a that we must remove the taint of abortion services from family planning programs. This can be done by ensuring proper compliance with current law, Section 1008—the provison of the Title X program which prohibits the use of funds in programs where abortion is a method of family planning. I agree with Senator Humphrey's veiws that the separation of abortion activities from family planning activities could not be put any more simple: Title X family planning programs may not include abortion.

Finally, I do believe we need to continue providing family planning services for low-income women which include cancer screening, contraceptive counseling, and infertility treatment. But as long as we are expected to continuously reauthorize the same unsuccessful approaches to helping teenagers, the Title X program will remain unauthorized. On the other hand, by addressing these sensitive issues, we can only strengthen the services authorized under Title X of the Public Health Services Act.

ORRIN G. HATCH.

XI. DISSENTING VIEWS OF SENATOR GORDON J. HUMPHREY

INTRODUCTION

The Title X program has been the subject of extensive criticism over its seventeen-year history. That controversy has heightened in recent years, as increased scrutiny has been placed on various aspects of the program, and on the activities of program grantees. As a result, supporters of the program in its existing form have been unable to secure a separate Title X reauthorization since 1981. Unless efforts are made to ensure proper enforcement of statutory provisions regarding abortion and parental involvement, the probability of passage of a new reauthorization remains dim.

I do not oppose the underlying principles of the Title X family planning program. I support the availability of legitimate, preventive family planning methods to persons desiring such contraception where deference is given to local and state initiative. Congress intended Title X to provide these services to low-income women seeking to limit or space their child-bearing.

I do not support the four-year reauthorization of Title X as reported by the Committee. S. 1366 fails to address a number of concerns I hold with respect to Title X, and raises additional concerns which beg for redress. As testimony on this bill shows, the program has not been administered in a manner consistent with original congressional intent.

My concerns with the program and the reauthorization center around the areas of continued promotion of abortion and abortion related activities, continued promotion of abortifacient research, and promotion of school based clinics which will provide contraceptive and abortion services to adolescents in school settings.

SECTION 1008 ABORTION RESTRICTIONS

Title X was established to fund preventive contraceptive family planning services. Section 1008 of Title X states:

> None of the funds appropriated under this title shall be used in programs where abortioin is a method of family planning.

The separation of abortion activities from family planning activities could not be put any more simply: Title X family planning programs may not include abortion. Section 1008 was intended to establish a wall of separation between pregnancy prevention and pregnancy termination services.

Congressman Dingell, the author of the provision, reiterated this point during consideration of Section 1008:

> The committee members clearly intend that abortion is not to be encouraged or promoted in any way through this

> legislation. * * * Several considerations prompt this action. There is a fundamental difference between the prevention of conception and the destruction of developing human life.

VARIATIONS FROM STATUTORY INTENT: TITLE X GUIDELINES

Despite the statutory restriction found in Section 1008, Title X guidelines actually require abortion referral and "non-directive" abortion counseling as part of "options counseling." This requirement contrasts sharply with the statute, and effectively precludes organizations intent on observing the wall of separation between abortion and family planning, from receiving Title X money. As a result of this tainting of otherwise legitimate family planning methods, public confidence in the nation's family planning program suffers.

In addition, this section has been interpreted in the fifteen years since the legalization of abortion on demand to apply only to Title X project funds, and not the entire organization. In short, an organization may receive Title X funds, while providing or advocating abortions in separate programs not directly linked with the Title X program.

DEPARTMENT GRANTS POLICY

But HHS grants policy actually affirms the restriction on abortion advocacy, not just simply in programs, but by the entire organization. As provided in a February 5, 1987, memo signed by Secretary Otis R. Bowen regarding exceptional organizations, Title X grantees should be reviewed to ensure they are in compliance with Title X abortion restrictions and are not engaged in abortion advocacy. Grants policy states:

> An organization may be identified as "exceptional" if it advocates a position or course of conduct in the area for which federal support is sought based on criteria or views that are not germane to, or conflict with, the purposes of the proposed grant. (section 700 2(b))
>
> GMOs and cognizant program officials shall make every effort to identify exceptional organizations before any grant is awarded and during the period of support in accordance with the provisions of this policy. (section 700 3(a))
>
> * * * the option of not awarding the grant should be carefully considered. (section 700 b(3))

Legally, grants which have expired without review must be submitted for competition, and may not be extended. Grants policy states,

> In no case will [a non-competing extension] be approved after the expiration date of the final budget period of the project period. (PHS grants policy statement.)

Despite these restrictions on abortion advocacy, Title X funds continue to be provided to abortion advocacy organizations. As recently as July 2, 1987, training grants were extended to two affiliates of an organization whose written policy it is to:

> * * * recognize as one of their primary responsibilities that the development of high quality abortion services be promoted and encouraged directly through their own medical facilities and/or through either competent medical institutions in the community. Planned Parenthood Federation of America, Policy Statements, page 2.

PROPOSED REGULATIONS

The administration's final regulations take a significant step toward enforcing the Title X program as originally intended by Congress. Congressional action on the fiscal year 1988 continuing resolution blocked efforts to prevent publication of the final regulations—demonstrating the broad support in Congress for the administration's proposals.

The administration's regulations are consistent with the narrow purpose envisioned for Title X—the provision of preventive means of family planning, not the provision of abortion related services, or other pregnancy-related services.

FUNDING FOR ABORTIFICIENT DRUGS

Related to these abortion concerns are concerns about the potential use of Title X funds to research and promote the development of abortion inducing drugs. Section 7 of S. 1366 would provide grant money to public and nonprofit private entities in order to enhance the ongoing work of the national institutes of health * * * in applied contraceptive research and evaluation, and specifically to promote the development, evalution, and bringing to the marketplace, of new and improved contraceptive devices, drugs, and methods. * * *

Hearing testimony revealed that the authority provided by Section 7 may result in funding for additional research of abortifacient methods. Such research is technically prohibited by Section 1008 of Title X of the Public Health Law, but the restriction is currently circumvented by the National Institutes of Health. In fiscal year 1987, hundreds of thousands of dollars were spent on RU 486 research, ostensibly to investigate the drug's modes of operation.

Research by RU 486's developers demonstrates that the drug induces abortion as late as eight weeks into a pregnancy. The developers intended the drug to "regulate menstruation." In many cases that means the expelling of uterine lining and a fertilized or implanted fetus. RU 486 is not simply a contraceptive, and research into its modes of operation—similar whether prior to conception or following fertilization—is not simply the promotion of contraception.

I question also the appropriateness of authorizing, for the first time, the "bringing to the marketplace" of the products of NIH's research, including contraceptives and abortifacients. NIH should be a research arm for NIH, and private sector efforts to facilitate the marketing of products simply is not appropriate for such an institution.

In short, Section 7 should be amended to prohibit funding for research into drugs that may be used for abortifacient purposes.

FUNDING FOR SCHOOL-BASED CLINICS

An additional concern is this bill's expansion and evolution of the school-based health clinic into "contraceptive dispensaries."

Testimony on this bill from Dr. Stan Weed, who has done prominent research on the Title X family planning program, demonstrated that despite the $1.7 billion spent by the federal government to support the more than 5,000 family planning clinics, the rate of teenage pregnancies has continued to increase.

Dr. Weed finds, and I concur, that programs which rely on increased accessibility of contraceptive services as the primary means of reducing teen pregnancy are not likely to be effective. Teenage pregnancy is embedded in a complex set of social. psychological, and economic factors that must be taken into account and effectively addressed if our efforts are to succeed.

Other experts in the field, including the President of the Joseph P. Kennedy Foundation, Mrs. Eunice Kennedy Shriver, agree. Mrs. Shriver correctly maintains that "to transform our schools into contraceptive dispensaries, is to give a strong message that sex in adolescence is okay."

While there may be value in providing non-contraceptive health services to teens, the primary mission of schools must be education. School-based clinics have not reduced pregnancy rates. In fact, they send an inappropriate message condoning sexual activity outside of marriage. I intend to support efforts to end Title X funding for school-based clinics which prescribe and dispense contraceptives to unemancipated minors, and counsel and refer minors for abortion, and to allow state and local latitude in regulating these matters.

SUMMARY

This bill does not attempt to remedy concerns about abortion and abortion related activities in the Title X family planning program, and in fact exacerbates concerns by increasing funding that might promote abortifacient research. As a result, I cannot support this legislation as currently drafted, and will seek amendments to ensure appropriate enforcement of restrictions on funding to abortion providers, funding for activities that promote abortion, and funding for research into abortifacients.

GORDON J. HUMPHREY.

XII. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Health Service Act

* * * * * * *

TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

Sec. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents). To the extent practicable, entities which receive grants or contracts under this subsection shall encourage family participation in projects assisted under this subsection.

(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance. Local and regional entities shall be assured the right to apply for direct grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.

[(c) The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment on which the reduction of such grant is based. Such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

[(d) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; $111,500,000 for the fiscal year ending June 30, 1973; $111,500,000 each for the fiscal years ending June 30,

1974, and June 30, 1975; $115,000,000 for fiscal year 1976; $115,000,000 for the fiscal year ending September 30, 1977; $136,400,000 for the fiscal year ending September 30, 1978; $200,000,000 for the fiscal year ending September 30, 1979; $230,000,000 for the fiscal year ending September 30, 1980; $264,500,000 for the fiscal year ending September 30, 1981; $126,510,000 for the fiscal year ending September 30, 1982; $139,200,000 for the fiscal year ending September 30, 1983; $150,030,000 for the fiscal year ending September 30, 1984; and $158,400,000 for the fiscal year ending September 30, 1985.]

(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $155,500,000 for fiscal year 1988, $163,000,000 for fiscal year 1989, $171,000,000 for fiscal year 1990, and $179,500,000 for fiscal year 1991.

FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES

SEC. 1002. [*Repealed.*]

TRAINING GRANTS AND CONTRACTS

[SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

[(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973; and $3,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $4,000,000 for fiscal year 1976; $5,000,000 for the fiscal year ending September 30, 1977; $3,000,000 for the fiscal year ending September 30, 1978; $3,100,000 for the fiscal year ending September 30, 1979; $3,600,000 for the fiscal year ending September 30, 1980; $4,100,000 for the fiscal year ending September 30, 1981; $2,920,000 for the fiscal year ending September 30, 1982; $3,200,000 for the fiscal year ending September 30, 1983; $3,500,000 for the fiscal year ending September 30, 1984; and $3,500,000 for the fiscal year ending September 30, 1985.]

SEC. 1003. (a) The Secretary may make grants to public or nonprofit private entities and may enter into contracts with public or private entities and individuals to provide technical assistance, clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counselors, and training of other personnel, to carry out the family planning service programs described in section 1001 and the information and education programs described in section 1005.

(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $4,300,000 for fiscal year 1988, $4,515,000 for fiscal year 1989, $4,741,000 for fiscal year 1990, and $4,978,000 for fiscal year 1991.

RESEARCH

SEC. 1004. (*a*) The Secretary may—

(1) conduct, and

(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development *and evaluation*, behavioral, and program implementation fields related to family planning and population *and research to improve the clinical management and direct delivery of family planning services.*

(b) To enhance the ongoing work of the National Institutes of Health under section 301 and under subsection (a) in applied contraceptive research and evaluation, and specifically to promote the development, evaluation, and bringing to the marketplace, of new and improved contraceptive devices, drugs, and methods, the Secretary may conduct, and make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of—

(1) applied research into the development of new or improved contraceptive devices, drugs, and methods; and

(2) evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and methods.

(c) For the purpose of making grants and entering into contracts under subsection (b), there are authorized to be appropriated $10,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991. Amounts appropriated under this subsection shall be in addition to amounts allocated under section 301(a) for the National Institute of Child Health and Human Development.

[INFORMATIONAL AND EDUCATIONAL MATERIALS

[SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

[(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $909,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $2,000,000 for fiscal year 1976; $2,500,000 for the fiscal year ending September 30, 1977; $600,000 for the fiscal year ending September 30, 1978; $700,000 for the fiscal year ending September 30, 1979; $805,000 for the fiscal year ending September 30, 1980; $926,000 for the fiscal year ending September 30, 1981; $570,000 for the fiscal year ending September 30, 1982; $600,000 for the fiscal year ending September 30, 1983; $670,000 for the fiscal year ending September 30, 1984; and $700,000 for the fiscal year ending September 30, 1985.]

COMMUNITY-BASED INFORMATIONAL AND EDUCATIONAL PROGRAMS

SEC. 1005. (a) The Secretary may make grants to or enter into contracts with public and nonprofit private entities to establish commu-

nity-based information and education programs to assist individuals in making responsible choices concerning human sexuality, pregnancy, and parenthood, and to enable individuals to prevent unintended pregnancies and sexually transmitted diseases. Programs supported under this section shall place special emphasis on the provision of information and education to parents and adolescents, and shall include information about the availability of a braod range of acceptable and effective family planning methods and services.

(b) The Secretary shall—

(1) conduct, or make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the conduct of, training and technical assistance activities to assist in carrying out subsection (a); and

(2) make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the development, evaluation, and dissemination of educational and informational materials that are consistent with the objectives specified in subsection (a) for information and education programs.

(c) For grants and contracts under this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991. Not more than 10 percent of the amounts appropriated under this preceding sentence for a fiscal year shall be available to carry out subsection (b).

REGULATIONS AND PAYMENTS

SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulgate. The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its costs (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for the fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined), in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.

(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

(c) A grant may be made or contract entered into under section 1001 [or 1002] for a family planning service project or program only upon assurances satisfactory to the Secretary that—

(1) priority will be given in such project or program to be furnishing of such services to persons from low-income families; and

(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term "low-income family" shall be defined by the Secretary in accordance with such criteria as he may prescribe so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title.

* * * * * * *

PLANS AND REPORTS

SEC. 1009. (a) Not later than seven months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

(1) extension of family planning services to all persons desiring such services,

(2) family planning and population research programs,

(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning, and

(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

(3) the steps to be taken to maintain a systematic reporting system capable to yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) Each report submitted under subsection (a) shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in the previous such report;

(2) indicate steps being taken to achieve the objectives during the fiscal years covered by the plan contained in such report and any revisions to plans in previous reports necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report.

(d) Each plan prepared under this section shall be based upon data collected under section 1010.

DATA COLLECTION

SEC. 1010. (a) The Secretary shall collect on an annual basis data concerning—

(1) the number of low-income and marginal-income individuals, and the number of adolescents, at risk of unintended pregnancies;

(2) the sources of funding available for family planning services in the United States;

(3) the number of individuals who receive family planning services from entities that receive grants and contracts under section 1001 and the age, gender, race, and family income of such individuals; and

(4) the types of family planning services chosen by individuals who receive services from entities which receive grants and contracts under section 1001.

(b) The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the collection of data under this section. The Secretary shall make available to the public data and information collected under this section.

○